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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91176791
Party	Defendant MATTEL, INC.
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Submission	Other Motions/Papers
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Date	02/11/2010
Attachments	Objections to Ranja Decl.pdf (6 pages)(32349 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Serial No. 78/751,105
Published for Opposition in the OFFICIAL GAZETTE on December 12, 2006

UMG RECORDINGS, INC.

Opposition No.: 91176791

Opposer

v.

MATTEL, INC.

Applicant

APPLICANT MATTEL, INC.'S EVIDENTIARY OBJECTIONS TO AND REQUESTS
TO STRIKE PORTIONS OF DECLARATION OF MICHAEL RAJNA

Applicant Mattel, Inc. hereby objects to and moves to strike portions of the Declaration of Michael Rajna dated February 27, 2009.

The following format is used below:

(1) the Declaration is copied verbatim;

(2) where Applicant objects to all or a portion of a paragraph, the objected-to portion is shown as stricken (e.g., ~~The person told me that~~ ...) followed by a highlighted “objection number” (e.g., [Obj. 2]); and

DECLARATION OF MICHAEL RAJNA DATED FEBRUARY 27, 2009

WITH OBJECTIONABLE PORTIONS STRICKEN

DECLARATION OF MICHAEL RAJNA

MICHAEL RAJNA declares under penalty of perjury as follows:

I. I am Associate Director of Licensing for Konami Digital Entertainment, Inc. (“Konami”), a Illinois corporation with offices in 2381 Rosecrans Ave, Suite 200, El Segundo, CA 90245. I first joined Konami in 2005. I submit this declaration as testimony in connection with the above-captioned proceeding.

2. I have access to the books and records of Konami relevant to the matters covered herein. As a result of my job responsibilities I am generally familiar with the business of Konami and Konami’s license to use the MOTOWN and MOTOWN-formative trademarks (the “MOTOWN Marks”) in connection with the videogame “Karaoke Revolution.” I confirm that the facts and matters set out herein are based on my own knowledge and from the records and documents of Konami to which I have access.

3. ~~On or around November 16, 2004, Konami entered into a license agreement with UMG Recordings, Inc. (“UMG”) concerning the right to use the MOTOWN Marks in connection with Karaoke Revolution. A true and correct copy of the license agreement is attached hereto as Exhibit 1. [Obj. 1]~~

OBJECTION NO.	REFERENCE	GROUND	BOARD’S RULING
1	¶ 3	(a) Improper Legal Opinion (Fed. R. Evid. 701); (b) Exhibit speaks for itself (Fed. R. Evid. 1002).	<input type="checkbox"/> Sustained/Stricken <input type="checkbox"/> Overruled

4. ~~True and correct copies of photographs depicting Karaoke Revolution are attached hereto as Exhibit 2. [Obj. 2]~~

OBJECTION NO.	REFERENCE	GROUND	BOARD'S RULING
2	¶ 4	(a) Exhibit speaks for itself (Fed. R. Evid. 1002).	<input type="checkbox"/> Sustained/Stricken <input type="checkbox"/> Overruled

5. Konami began selling Karaoke Revolution nationwide in November of 2004 and has sold Karaoke Revolution continuously since that time in stores such as Target, WalMart, and Toys R Us. Karaoke Revolution is rated "E" by the Entertainment Software Rating Board, which means that it is suitable for consumers ages 6 and older.

6. ~~Konami paid UMG as set forth in the license agreement between the parties for sales of Karaoke Revolution for the period 2004 through the present. Beginning in November of 2004, Konami also invested, and continues to invest, in the advertising of Karaoke Revolution, including use of the Motown Marks, through television, print and point-of-purchase advertising.~~

[Obj. 3]

OBJECTION NO.	REFERENCE	GROUND	BOARD'S RULING
3	¶ 6	(a) Improper Legal Opinion (Fed. R. Evid. 701).	<input type="checkbox"/> Sustained/Stricken <input type="checkbox"/> Overruled

Declared under penalty of perjury this 27th day of February, 2009 at El Segundo, CA.

/S/
MICHAEL RAJNA

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Evidentiary Objections and Request to Strike has been personally served on counsel for Opposer UMG Recordings, Inc., both personally and through ESTTA, on February 11, 2010.

/crf/

Chad R. Fitzgerald